

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3
4 SYLVESTER OWINO, on behalf of
5 themselves, and all others similarly
6 situated, et al.,

7 Plaintiff,

8 vs. Case No. 3:17-cv-01112-JLS-NLS

9 CORECIVIC, INC., a Maryland
10 corporation,

11
12 Defendant.
13

14
15 THE DEPOSITION OF JASON ELLIS

16 MARCH 4, 2019
17
18
19
20

21 Reported By:

22 PATRICIA A. NILSEN,

23 RMR, CRR, CRC

24 Job No. 3225918

25 Pages 1 - 270

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Veritext Legal Solutions
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1 The deposition of JASON ELLIS, taken
2 on behalf of the Plaintiffs, pursuant to Notice on
3 MARCH 4, 2019, beginning at approximately 9:11 a.m.
4 in the offices of Alpha Reporting.

5 This deposition is taken in
6 accordance with the terms and provisions of the
7 Federal Rules of Civil Procedure. All objections
8 are reserved except as to form.

9 The signature of the witness is
10 reserved.

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24 Videotaped By: DAVID DRUMEL
25

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JASON ELLIS

Examination

By Ms. Ridley

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1 A. Yes.

2 Q. And do you know what time frame that was?

3 A. I'm familiar with one site, which is the
4 Citrus County Detention Center, which is one of my
5 jail/detention centers in the state of Florida.
6 And they held ICE detainees, that I'm aware of, in
7 early 2000 -- late 1990s, early 2000 period.

8 Q. Okay. So I want to make sure we have an
9 agreement about some nomenclature, so we both
10 understand what's being discussed. When we say
11 "ICE detainees," what's your understanding of a
12 person who is an ICE detainee?

13 A. My understanding of a person that is
14 classified as an ICE detainee is someone that's
15 designated by our partner, ICE, to be housed or
16 detained in one of our facilities, pending a final
17 determination or a decision.

18 Q. I'm sorry, pending a final ...

19 A. A final determination to their sentence or
20 final determination of their current
21 classification, pending asylum, etc. They're not
22 sentenced, or most are not sentenced, that I'm
23 aware of. Some are, but most of them are just
24 detainees.

25 Q. So just so I'm clear, when you say "most

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1 are not sentenced," I take it most of the ICE
2 detainees are being detained by ICE, but they're
3 not been charged with a -- a crime?

4 A. That's -- that's correct. That's my
5 understanding.

6 Q. Okay. They may be held based on their
7 status, their immigration status, related to being
8 in the United States, correct?

9 A. That's correct.

10 Q. Okay. Whereas when you have -- when you
11 have someone detained by the US Marshals who are
12 charged with a crime, how -- how would you refer to
13 them?

14 A. I would refer to a US Marshal's
15 detainee -- US Marshal Service detainee as somebody
16 that we house on behalf of the US Marshal Service.
17 And -- and most are detainees, if not all
18 detainees. They're pending the -- the resolution
19 of their current sentence or current case.

20 I see them as -- I view them as detainees
21 as well.

22 Q. Okay. But in -- in that case, if -- if an
23 individual, to your understanding, is a US Marshal
24 detainee, they either have a criminal charge
25 against them or have a -- a sentence; is that

1 Q. Okay. Who is Bethany Norman?

2 A. She is the business manager at the Stewart
3 County Detention Center.

4 Q. And who is Ligier?

5 A. Ligier Mallamas is the director of
6 commissary for the facility support center with
7 CoreCivic.

8 Q. And what did you discuss -- were counsel
9 present for your discussions with Bethany and
10 Ligier?

11 A. No.

12 Q. Okay. When did you discuss your
13 deposition with Bethany?

14 A. I didn't necessarily discuss my deposition
15 with Bethany. I asked her some questions.

16 Q. In preparation for the --

17 A. In preparation for the ...

18 Q. What did you ask?

19 A. I asked her about detainee work
20 assignments, and how the detainees were paid or
21 compensated for the voluntary work program.

22 Q. And what did you learn from Bethany on
23 that topic?

24 A. I learned from Bethany that there are a
25 number of job assignments that we offer detainees

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1 at the Stewart County Detention Center, so that
2 they have the ability to volunteer to work. And I
3 learned that they're -- they're compensated at a
4 minimum of one dollar a day, and that their payment
5 is provided to them in a timely manner after they
6 work; most of the time by the -- the first of the
7 next business day.

8 Q. The first of the --

9 A. The first of the next business day. The
10 following business day after they work.

11 Q. Okay. Anything else?

12 A. That's it.

13 Q. Okay. And what did you discuss with
14 Mr. Mallamas?

15 A. Ms. Mallamas, I discussed -- I discussed
16 the commissary pricing in general. And I discussed
17 how the company goes about determining the pricing
18 for the commissary items.

19 Q. And what did you learn in your discussions
20 with Mr. Mallamas?

21 MR. STRUCK: "Ms."

22 A. "Ms. Mallamas."

23 Q. "Ms."; I'm sorry.

24 A. Yeah, Ms. Mallamas.

25 Q. Appreciate it.

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1 A. I learned that the company -- with the ICE
2 contracts, the company utilizes a 30 percent margin
3 to determine the cost for the items that we offer
4 to the detainees, and that that amount accurately
5 supports the funding that we have to provide, the
6 things that we purchase for the detainee
7 population, the -- the televisions, the exercise
8 equipment, and the services that -- the services
9 that we provide for the commissary.

10 And that every two years, they do a survey
11 of the top 25 items at each of the locations to
12 ensure that we're priced appropriately and fairly,
13 or that each -- each of those 25 items are priced
14 appropriately and fairly.

15 Q. Did you learn anything else from
16 Ms. Mallamas?

17 A. To my knowledge, no.

18 Q. Okay. How long was your conversation with
19 Ms. Mallamas?

20 A. My conversation with Ms. Mallamas was
21 probably -- lasted probably three to five minutes.

22 Q. Okay. And it was one conversation?

23 A. It was two conversations.

24 Q. Were they both three to five minutes, or
25 were they a total of three to five minutes?

1 number of different policies in preparation for
2 your deposition. I want to talk about the use of
3 policies by CoreCivic, at least in the safety
4 portion of CoreCivic.

5 I'm going to stick in the safety portion
6 of CoreCivic throughout your deposition. I'm not
7 really asking questions about either the real
8 estate or the re-entry, all right?

9 A. I understand.

10 Q. Okay. Fair enough.

11 So to your understanding, with regard to
12 the 60 to 65 facilities under the safety portion,
13 to your understanding, each of them has a set of
14 policies, correct?

15 A. That's correct.

16 Q. And these are written policies, correct?

17 A. That's correct.

18 Q. And with regard to the facilities, is
19 there a certain type of policy that they have? In
20 other words -- let me try that again.

21 To your knowledge, does CoreCivic have
22 template policies?

23 MR. STRUCK: Form.

24 A. To my knowledge, CoreCivic has policies
25 that are general in scope and are able to be

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1 modified to contain contractual language and to be
2 modified to be more specific -- more specific to
3 each of the facilities, based on the contract and
4 the customer's requirements. I would say state
5 laws, etc., federal laws.

6 Q. Okay. So I want to talk a little bit
7 about the -- sort of the creation of a policy, the
8 sort of life cycle -- the creation of a policy,
9 okay?

10 So you mentioned that CoreCivic has
11 policies in general, and that those can be modified
12 depending on the facility and the contracts
13 involved, correct?

14 A. Correct.

15 Q. Okay. So do you know who creates the
16 policy in general before they are modified, if at
17 all?

18 MR. STRUCK: Object to the form.
19 Currently? 2006?

20 MS. RIDLEY: Well, let's say
21 currently, and then I'll ask if there's been any
22 change.

23 MR. STRUCK: Okay.

24 A. Can you repeat the question, please.

25 MS. RIDLEY: Can you reread that,

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1 please.

2 (Record read)

3 A. CoreCivic has a facility support center,
4 and they have a policies and procedures department,
5 and the policies and procedures department has
6 staff which create the -- the generic policies
7 prior to modification.

8 BY MS. RIDLEY:

9 Q. And for the 25 and a half years that
10 you've been with CoreCivic, has it always been the
11 case that there was a facility support center, and
12 within that center, a policy/procedure section that
13 deals with the -- the form -- policies before
14 they're modified?

15 A. That's correct. Used to be the corporate
16 headquarters nomenclature; now it's the facility
17 support center. So, yes, the answer is yes.

18 Q. And when did it become the facility
19 support center?

20 A. If I recall correctly -- and I'll just
21 give you an estimated time frame: When I -- when I
22 started as a correctional officer, for several
23 years after that it was the corporate headquarters,
24 and corporate headquarters' name was changed to
25 facility support center approximately 2005, 2006.

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1 Green Hills as well, but I'm not sure if it was.

2 It was definitely in a different location.

3 Q. Okay. And it was -- it was named
4 corporate headquarters during the time of the move,
5 and it was only in 2005 or 2006 that it was renamed
6 the facility support center, correct?

7 A. That's correct.

8 Q. Okay. And to your knowledge, what sort of
9 support is the facility support center providing
10 the -- the facilities?

11 A. To my knowledge, they provide -- there are
12 positions that oversee the -- the facilities and
13 the applicable wardens. There are a lot of subject
14 matter experts that work at the facility support
15 center; those that are -- there's -- there are
16 attorneys that support the company and the
17 facilities. There are, as I mentioned earlier,
18 policies and procedure departments. There are
19 security departments. There are program
20 departments. Just -- just other type of subject
21 matter experts which -- partnership development.

22 There are just a number, a large number of
23 departments that -- that it's comprised of.

24 Q. Okay. So let me see if I -- I understand.

25 So obviously, for example, policy --

1 policies and procedures that facilities would have
2 would originate with the facility support center,
3 correct?

4 A. Correct.

5 Q. Okay. Contracts with partners: When you
6 say "partners," who are you referring to?

7 A. When I refer to "partners," I refer to a
8 number of partners or customers that we currently
9 partner with. It could be ICE or Immigration; it
10 could be the US Marshal Service, the Bureau of
11 Prisons; any number of states that we contract
12 with; county entities, the Bureau of Prisons.

13 Those are -- are some.

14 Q. Okay. And to your understanding,
15 CoreCivic has contracts with these clients,
16 correct?

17 A. Correct.

18 Q. Okay. And I take it that the negotiation
19 of those contracts would be done by folks at the
20 facility support center?

21 A. Correct.

22 Q. As opposed to folks at specific
23 facilities?

24 A. Correct.

25 Q. Okay. So that -- I'm just picking a

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1 Q. So as I understand it, the facility
2 support center has a set of sort of original
3 policies and procedures, before they've been
4 modified by any particular facility, correct?

5 A. Correct.

6 Q. And do you know, is there a person in
7 charge, at the facility support center, of that?

8 A. There is a person that is in charge of the
9 policies and procedures department.

10 Q. And who is that?

11 A. My understanding, it's Amy Garner. She's
12 the director of policies and procedures.

13 Q. And do you know how long she's had that
14 position?

15 A. I'm not sure how long she's had that
16 position. I would estimate -- I would estimate 10
17 to 15 years. I'm not quite sure.

18 Q. Okay. And is there a set number of
19 policies and procedures that CoreCivic expects each
20 facility to have?

21 MR. STRUCK: Form.

22 A. The -- the number of policies and
23 procedures that each facility has is dependent upon
24 the contract and the partner, the partner's
25 expectations.

1 Is there a specific person in each
2 facility that's in charge of policies for that
3 facility?

4 MR. STRUCK: Form.

5 A. The facilities that I oversee have quality
6 assurance managers who oversee the quality
7 assurance department at each of -- each of their
8 facilities. Part of that responsibility is the
9 oversight of the facility's policies.

10 Q. Okay. So if -- so you take the -- the --
11 what I'm going to call -- I'm trying to make a
12 distinction between the specific numbered policy
13 from the facility support center and the policy as
14 modified by any particular facility. Okay?

15 So the policies that originate from the
16 support center, I'm going to -- I'm going to refer
17 to as the standard policy, the template policy. Is
18 that all right?

19 A. Yes.

20 Q. Okay. So if I'm at a facility and I have
21 the template -- let's call it template policy -- as
22 to maintenance, and I want to make some changes,
23 right, I take it the quality assurance manager
24 would be the person involved in potentially making
25 those changes, correct?

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1 A. The quality assurance manager would work
2 with the facility leadership to submit a request to
3 the policies and procedures department at the
4 facility support center.

5 Q. And then -- and it would be a specific
6 request; in other words, the -- the modification
7 language would be provided to the facility support
8 center, correct?

9 A. My understanding, if there was a request,
10 there would have to be a reason for the request and
11 a desired language, a modification suggestion,
12 which would go to the facility support center for
13 review and approval -- potential approval.

14 Q. Okay. And I take it that for the policy
15 modification to take effect, it would have to be
16 approved by the facility support center, correct?

17 A. Correct.

18 Q. Okay. Is there -- would that be -- the
19 person who is -- who approves it, is that what Amy
20 Gardner (sic) is responsible for?

21 A. Amy Garner is the director of policies and
22 procedures, but she's not the sole approval or
23 approver. She would work in -- in coordination or
24 in conjunction with our legal team, our partnership
25 team, and other groups to ensure that -- that the

1 modification is appropriate and needs to be
2 approved.

3 Q. Okay. So in other words, the modification
4 might go through the legal team to deal with
5 whatever applicable laws there might be; it might
6 go through the partnership --

7 A. The partnership development team.

8 Q. Okay, to make sure it complied with any
9 contracts you had.

10 Any -- anybody -- any other team that, to
11 your knowledge, it would go through?

12 A. There are a number of teams, number of
13 parties that are allowed to weigh in on -- on
14 policy changes or modifications and then subsequent
15 approvals.

16 Q. Okay. Can a facility say that they're not
17 going to have a specific policy and procedure?

18 MR. STRUCK: Form.

19 A. A facility cannot determine -- and when
20 you say "facility," what do you mean by "facility"?

21 Q. So like Otay Mesa, or Wilkinson.

22 A. So when you say "facility," are you
23 referring to the warden? Are you referring to --
24 there are a number of people that are comprised as
25 a part of a facility.

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1 Q. Right. And when I -- I guess what I'm
2 saying is with regard to the facility, I'm saying
3 if -- for example, if Otay Mesa decides it no
4 longer wants the -- the food service policy,
5 doesn't want to use it at all, can it do that?

6 A. If a member of the facility does not want
7 to comply with, abide by, utilize a policy that's
8 in place, they don't have the -- the ability to opt
9 out.

10 Q. Okay. Fair enough.

11 Are the template policies and procedures,
12 is there like a -- is there a binder of those?
13 Is -- can it be identified, in other words, those
14 core procedures?

15 MR. STRUCK: Form.

16 A. Yeah, I'm not sure if there is a binder.
17 I don't know if there -- I'm assuming there's a
18 website where the -- where the templates are -- are
19 stored, and that's the basis for the modifications
20 going forward for each and every one of the
21 contracts.

22 Q. Okay. So if you're -- for example, if
23 -- you're -- if -- if I become a warden of one of the
24 facilities, right, I'm hired to be the warden,
25 right, and I wanted to see what policies and

1 Q. In those -- in that experience in more
2 than one facility, when you've looked at policies,
3 were there some common policies that you saw?

4 A. As a warden, there were -- when I was a
5 warden, reflecting back on when I was a warden, I
6 saw policies that were either exact or very
7 similar, appeared to be exact or very similar in
8 nature.

9 Q. Okay. To your understanding, is one of
10 the standard policies a sanitation policy?

11 A. Correct.

12 Q. And how -- how about a discipline policy?

13 A. There is a disciplinary policy in
14 CoreCivic.

15 Q. Are you familiar with the -- the phrase
16 "voluntary work program"?

17 A. I am familiar with that phrase.

18 Q. Okay. Are you aware of standard policies
19 related to the voluntary work program?

20 A. I am aware of the performance-based
21 national detention standards that governs our ICE
22 facilities, our ICE contracts, and the voluntary
23 work program standards, and I'm aware of the -- the
24 applicable policies with CoreCivic to support the
25 partner standard.

1 Q. So -- and the partner here is ICE?

2 A. Correct.

3 Q. I just want to --

4 A. I'm with you.

5 Q. I want to be careful.

6 So I take it ICE has certain standards, to
7 your understanding, for a voluntary work program,
8 correct?

9 A. Correct.

10 Q. And CoreCivic has policies and procedures
11 regarding the voluntary work program, correct?

12 A. Correct. As a -- as a direct result of
13 the performance-based national detention standards.

14 Q. And the performance-based national --

15 A. Detention standards.

16 Q. -- detention -- who issues that?

17 A. ICE.

18 Q. And to your knowledge, are -- has any
19 facility modified the voluntary work program
20 policies and procedures that CoreCivic has
21 developed?

22 MR. STRUCK: Form.

23 A. I'm sorry. To my knowledge, has any of
24 the facilities modified any of the voluntary work
25 policies that's been designated for them?

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1 Q. No.

2 A. Or their site at -- can you repeat the
3 question?

4 Q. Yeah, let me see if I can rearrange this
5 here.

6 So as I understand your testimony, ICE has
7 certain standards and policies regarding the
8 voluntary work program that's referenced in the
9 performance-based --

10 A. National detention standards.

11 Q. Is that correct?

12 A. That's correct.

13 Q. Okay. As a result of that, CoreCivic, in
14 its facility support center, has developed some
15 standard voluntary work program policies and
16 procedures to comply with ICE's policies?

17 A. Correct.

18 Q. Okay. Next question is: To your
19 knowledge, do you know of any facilities who have
20 modified those standard policies and procedures
21 issued by CoreCivic?

22 MR. STRUCK: Form.

23 A. I don't -- I don't recall any facilities
24 that have modified the voluntary work program
25 policy or standard. They -- they wouldn't have the

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1 one dollar a day.

2 And with the voluntary work program, each
3 of the detainees would be adequately trained to
4 ensure that they understand what they need to do,
5 and the detainee and the staff would understand
6 that the work is voluntary, 100 percent voluntary,
7 and the detainee can stop working or quit at any
8 time, and that the detainee has to ensure that they
9 come to work on time; they work the appropriate
10 number of -- of hours which are required -- which
11 does not exceed eight hours in a day, or 40 hours a
12 week -- and if they fail to comply with that
13 schedule, or the agreement that they've made with
14 the CoreCivic supervisor, or if they don't perform
15 the work appropriately, that they could jeopardize
16 losing their opportunity to work.

17 Q. Are civil immigration detainees in the
18 custody of ICE eligible to work through the
19 voluntary work program?

20 A. Please repeat that.

21 Q. Are civil immigration detainees in the
22 custody of ICE eligible to work through the
23 voluntary work program?

24 MR. STRUCK: Form.

25 A. Detainees which are assigned to us, or

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1 given to us by ICE, they're -- they come into our
2 custody from ICE, those detainees are allowed to
3 participate in the voluntary work program.

4 Q. Okay. Do you have an understanding of
5 which CoreCivic facilities house ICE detainees?

6 MR. STRUCK: Form.

7 A. I know that the facilities that I
8 supervise, the nine facilities in my division,
9 currently house ICE detainees, and I'm aware of
10 some of the other facilities outside of that
11 division, or division four, which house ICE
12 detainees.

13 Q. Okay. Are the facilities that you are
14 aware house ICE detainees, do they also house
15 detainees from the US Marshal Service?

16 A. There are some facilities that house ICE
17 detainees which do not house US Marshal detainees.

18 Q. And I take it from that there are also
19 some facilities that house both?

20 A. Correct.

21 Q. Okay. And again, when we say "US Marshal
22 detainees," these are the ones who have criminal
23 charges pending against them, correct, or are
24 sentenced?

25 A. To my knowledge, yes.

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1 Q. Okay. If an ICE detainee is working in
2 the voluntary work program, what sort of work might
3 they do?

4 A. They may work in the units or the pods as
5 housemen, housewomen, cleaning people, as far as
6 sanitation, cleaning, mopping, etc., just making
7 sure that the pods or the units are cleaned. The
8 common areas, the bathrooms, etc., inside the
9 housing unit.

10 At some facilities, they're able to work
11 in the laundry. At some facilities, they're able
12 to work in food service. At some facilities,
13 they're able to assist in the commissary operations
14 and work in commissary. At some facilities,
15 they're able to clean outside the pods or the
16 units, work in the hallways, clean different
17 sections of the -- of the facility.

18 I'm sure those are not all of the job
19 opportunities, but those are some.

20 Q. Do they -- can they work in maintenance?

21 A. They can. At some facilities, they're
22 able to work in maintenance.

23 Q. And I'm distinguishing maintenance from
24 cleaning.

25 A. Yeah.

1 Q. I take it you would make a distinction
2 between the two?

3 A. I would -- I do. I make a distinction
4 between maintenance and -- and cleaning, yes.

5 Q. Okay. How do -- how does a detainee, an
6 ICE detainee, volunteer for work assignments?

7 A. An ICE detainee goes through orientation
8 after they're received at the facility, or the
9 applicable facility, and they're advised of
10 voluntary work opportunities. And they have the
11 ability to sign up at any point during their stay
12 for a particular job assignment. So they can
13 verbally tell somebody in their housing unit, or
14 they can submit a written request saying that
15 they're interested in a job.

16 Q. If they've identified a job, and it's
17 approved, do they sign work agreements?

18 A. Yes. They are required to sign a work
19 agreement stating that they are volunteering to
20 work.

21 MR. STRUCK: Just wanted to note for
22 the record that Robert Teel is appearing via
23 Veritext in the deposition.

24 MS. RIDLEY: Fair enough.

25 Q. The wording of the work agreement, where

1 what is the most an ICE detainee in the voluntary
2 work program would earn for their work, per day?

3 MR. STRUCK: Form and foundation.

4 A. I'm not sure, because I -- I don't have
5 direct knowledge of all the facilities that house
6 ICE detainees.

7 Q. Okay. Are you aware of any facility that
8 pays a dollar and a half a day?

9 A. It's my understanding that the Otay Mesa
10 facility currently has jobs for detainees that
11 pay -- or did pay -- \$1.50 a day.

12 Q. And do you know which jobs those were?

13 A. I don't.

14 I -- let me back up. I believe they are
15 to work the kitchen, kitchen workers, if I'm not
16 mistaken.

17 Q. Other than kitchen workers, do you know if
18 any other workers get paid \$1.50 a day?

19 A. At Otay Mesa?

20 Q. Yes.

21 A. I'm -- I'm not aware -- I'm not aware of
22 any.

23 Q. Do you know of any other CoreCivic
24 facility that pays ICE detainees in the voluntary
25 work program \$1.50 a day?

1 A. I believe the Stewart County Detention
2 Center pays \$1.50 a day, or more, to detainees
3 working in certain jobs.

4 Q. Which jobs are those?

5 A. I believe, at a minimum, it's food
6 service.

7 Q. Other than food service, do you know any
8 other jobs?

9 A. I'm not sure. I don't know.

10 Q. When you say "or more," are you aware of
11 any facility that -- strike that.

12 When you say "pay more," do you know of
13 any amount over \$1.50 that is paid to an ICE
14 detainee in the voluntary work program per day?

15 A. Over \$1.50?

16 Q. Yeah.

17 A. Stewart is -- I believe is -- approximates
18 \$4 a day, or -- or did at one time.

19 Q. Okay. And was that for specific work?

20 A. I believe that was for food service.

21 Q. Okay. Do you know of any other facility
22 at CoreCivic that pays more than \$1.50 a day for
23 work performed in the voluntary work program by ICE
24 detainees?

25 A. Other than Stewart?

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1 Q. Right.

2 A. I'm not sure of any others.

3 Q. Okay. Are you aware of any CoreCivic
4 facility that provides bonuses to ICE detainees
5 performing voluntary work, or performing work in
6 the voluntary work program?

7 MR. STRUCK: Form.

8 A. It's my understanding that there were
9 extra incentives or bonuses that were provided
10 by -- at the Otay Mesa facility in the past.

11 Q. Other than Otay Mesa, are you aware of any
12 other facility that has done that?

13 A. I believe Stewart has done that, but I'm
14 not sure.

15 Q. Okay. Other than Otay Mesa and Stewart,
16 any other facility that has provided bonuses?

17 A. To my knowledge, I'm not aware of any
18 others.

19 Q. Okay. Do you have an understanding of
20 what bonuses were provided by Otay Mesa to ICE
21 detainees performing work in the voluntary work
22 program?

23 A. It's my understanding that in the form of
24 a bonus, some detainees were provided with extra
25 popcorn, with gift cards or phone cards -- not gift

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1 Q. And would they purchase that through the
2 commissary?

3 A. Yes.

4 Q. Okay. So if someone was getting a bonus
5 by way of minutes on a phone card, that would go
6 into their general account, I take it?

7 A. I don't know if the money would be
8 deposited into their account and it would result in
9 them then being issued a phone card, or if the
10 phone card has a certain amount of money on it, and
11 it's just provided to the detainee and it's not put
12 on their books.

13 But they can utilize a phone card or a
14 phone card number, so I'm not sure if it's
15 actually -- the money is actually deposited to
16 their account or if it's separate from that.

17 Q. Would a detainee hold the -- the phone
18 card on their person while in the facility?

19 A. I'm not sure if they would or not. I'm
20 not sure if -- if they're given a number, or
21 they're actually -- they're given an actual phone
22 card.

23 Q. Okay. All right.

24 When an ICE detainee is performing work in
25 the voluntary work program, are they given any

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1 statements of the amount of money that they've
2 earned?

3 MR. STRUCK: Form.

4 A. Each detainee should have access to their
5 account. Whether they work or not, they should be
6 able to access their account to see how much money
7 they have in their account.

8 Q. And if -- if I were a detainee and I had
9 an account, how would I do that?

10 A. In most facilities that I'm aware of,
11 there is an OMS or a CORES account, and I believe
12 the CORES account stands for correctional offender
13 and resident electronic system, or so, or offender
14 management system.

15 It's -- it's their ability to go to access
16 a kiosk. Most of those are located in their -- in
17 their specific housing pods or housing units, and
18 they're able to -- to query or to see how much
19 money is in their account.

20 Q. In the kiosk?

21 A. In the -- yes, in the kiosk, or via the
22 kiosk.

23 Q. What's an OMS?

24 A. Offender management system.

25 Q. Okay.

1 A. That's -- that's CoreCivic's system to --
2 to track detainees, inmates, etc., and to -- to
3 keep up with the moneys they have and, you know,
4 their -- their charges, their history, etc.

5 Q. Okay. Other than going to the kiosk to
6 access my account, would I ever be given a written
7 statement of the money I've earned over a period of
8 time through the voluntary work program?

9 A. It's possible they'd be given a -- a
10 written receipt of the money that they've earned.

11 Q. When you say "it's possible," is that a --
12 the regular course?

13 A. I don't know if that's a requirement.

14 Q. Okay.

15 A. If they have -- if they have access to it,
16 I'm not sure that we would require us to print a
17 paper copy.

18 Q. You haven't seen that as a standard
19 practice, I take it?

20 A. I don't recall that as a standard
21 practice.

22 Q. Okay. Who -- who pays the ICE detainees
23 who are in the voluntary work program?

24 MR. STRUCK: Form.

25 A. CoreCivic is responsible for providing

1 them with the earned revenue as a result of the
2 voluntary work program.

3 Q. Okay. If I'm an ICE detainee at a
4 facility, and I've been participating in the
5 voluntary work program, the money's been put in my
6 account, and for whatever reason I'm leaving the
7 facility, what happens to the money in that
8 account?

9 A. The detainees are requested to provide a
10 future address so that we can send them or the
11 facilities can forward them moneys. Typically when
12 a detainee leaves, they are provided with
13 everything, all the money in their account,
14 everything that they're -- they've earned.

15 If for some reason not everything has been
16 posted to their account, if they -- as an example,
17 if they were to leave tomorrow morning and they
18 worked today, if the business office knows that
19 they're leaving tomorrow morning, they would do
20 everything that they could to put that money on
21 their -- their account so that they would leave
22 with everything that they've earned and all the
23 money that they have.

24 If for some reason that didn't occur, we
25 ask the detainees to provide a future address so we

1 don't think that they would have the ability to go
2 and cash a check; it would be far too difficult.
3 So it's my understanding that they would have cash.

4 Q. On the day they leave?

5 A. Yes. That's my understanding.

6 Q. Okay. Why -- why are ICE detainees in the
7 voluntary work program paid anything?

8 A. In my opinion -- well, first of all, it's
9 because it's required by our partner, ICE; it's a
10 requirement. They -- they determine that they are
11 to receive a minimum of one dollar a day to work.

12 So if nothing else, for no other reason,
13 it's because it's a requirement of -- of ICE, the
14 partner.

15 Q. Okay. Have you ever -- are you familiar
16 with the budgets for facilities? Each facility has
17 a budget, correct?

18 A. Correct.

19 Q. To your understanding, does each facility
20 budget assume a certain amount of work that's being
21 performed by people in the voluntary work program?

22 A. It's my understanding that we have a
23 budget, and the budget is based on history, whether
24 it's 6 months or 12 months. And the -- the budget
25 going forward in most cases would take into

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1 consideration the -- the six-month history, the
2 three-month history, the 12-month history, and that
3 money would be budgeted for each of the facilities
4 in the future.

5 That -- that's just a starting point. And
6 to your point about the voluntary work program, one
7 year you may have -- you may have 500 hours' worth
8 of detainee work, and the next year it could be
9 2,500 or it could be zero. So the facilities are
10 able to contract and expand, based on what the
11 detainees are volunteering to do.

12 And we're allowed, each facility is
13 allowed to accommodate in any of those situations
14 or any of those -- any of those circumstances,
15 whether we get no voluntary work or there's an
16 abundance of voluntary work, because a lot of
17 detainees are wanting to earn extra income.

18 Q. Okay. You agree with your prior
19 testimony, though, you've never known any facility
20 to have zero people working in the voluntary work
21 program, correct?

22 A. I don't recall any facility having
23 never -- never having a detainee volunteer to work
24 in the ICE -- with the ICE contract.

25 Q. Okay. And to your knowledge, facilities,

1 when they do their budgeting, they look to their
2 historical experience about who's in the voluntary
3 work program as part of that budget, correct?

4 MR. STRUCK: Form.

5 A. I think all of the expenditures are
6 captured, and going forward, everything is taken
7 into consideration.

8 Q. Including the historical numbers of
9 voluntary work participants?

10 A. It's my understanding that that would be
11 captured in the history of the budget.

12 Q. Right. If -- if no one volunteered to
13 work for food services, who would do the work?

14 MR. STRUCK: Form. Foundation.

15 A. In my opinion -- we contract with a
16 subcontractor to assist our staff with operating
17 the food service departments and facilities. If --
18 and I have no idea what we would do, because it
19 could vary; it could vary from us hiring more
20 contract staff or requiring our contract staffing
21 to increase, to ensure that -- that the food
22 service operation or -- or whatever is run
23 effectively.

24 We could hire more staff to do that. I
25 mean, there's -- there's a -- we could contract

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1 with a -- a third party or another party to
2 subsidize that.

3 Q. And I take it that same logic would be
4 true with regard to other categories of work that
5 was being performed by voluntary work participants?

6 MR. STRUCK: Form.

7 A. Yeah, I -- I think food services is a
8 little bit different. As far as cleaning, as far
9 as the cleaning duties, as far as the laundry
10 duties, I don't know if we would have to increase
11 to a great degree the staffing. We may have to
12 reallocate. But it -- it may be a little bit
13 different with -- in other departments.

14 Q. Okay. Are you aware of any staff person
15 getting paid a dollar a day?

16 A. I'm not aware of any staff person getting
17 paid a dollar a day.

18 Q. Are you aware of any third-party vendor
19 getting paid a dollar a day for their work at any
20 facility?

21 A. I'm unaware of a third party getting paid
22 a dollar a day.

23 Q. Staff is paid more than a dollar a day,
24 correct?

25 A. To my knowledge, yes.

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1 Q. Third-party vendors, also paid more than a
2 dollar a day?

3 MR. STRUCK: Foundation.

4 A. To my knowledge. To my knowledge, yes.

5 Q. Staff paid hourly?

6 A. Some staff are paid hourly, and some of
7 them are paid annually.

8 Q. I'm sorry --

9 A. By salary. Annually by salary.

10 Q. Annually?

11 A. Yes.

12 Q. Okay. For participants in the voluntary
13 work program --

14 A. I'm sorry?

15 Q. -- for -- I hadn't finished.

16 For participants --

17 A. I didn't hear the word you said, though.

18 Q. For participants in the voluntary work
19 program --

20 A. Okay.

21 Q. -- if they're doing a job that requires
22 training to do the job, who provides the training?

23 MR. STRUCK: Form.

24 A. The warden and his -- his or her staff
25 ensure that the people in the applicable area, the

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1 staff in the particular area, are providing that
2 training. It -- it could vary, by department
3 and -- and by person or supervisor.

4 Q. Okay.

5 A. But it has to be a staff member providing
6 that training.

7 Q. Okay.

8 A. Or a contractor.

9 Q. Okay. Or a contractor to the facility?

10 A. Or a contractor to the facility.

11 Q. And would the facility supervise that
12 training the contractor gives?

13 MR. STRUCK: Form.

14 A. The contractor is required to meet our
15 standards. So the contractor is an extension of
16 us. So the training would be done in compliance
17 with our expectations, CoreCivic's expectations.

18 Q. Understood.

19 If the work that's being performed by an
20 ICE detainee in the voluntary work program required
21 tools, you know, for cleaning -- you know, cleaning
22 supplies; for food, implements to make the food;
23 for maintenance, tools to do the maintenance, etc.,
24 where would those materials come from?

25 MR. STRUCK: Form.

1 A. Where would they originate?

2 Q. Yeah.

3 A. I assume somewhere outside the facility,
4 wherever they made the -- the equipment. I -- I
5 don't --

6 Q. I don't mean the creation of the tools.

7 A. Right.

8 Q. But if I were an ICE detainee in the
9 voluntary work program, say in the food service
10 area, and I needed a blender, who would give me the
11 blender?

12 MR. STRUCK: Form.

13 A. Somebody in the department would provide
14 them access to the equipment.

15 Q. Somebody at the Core --

16 A. A staff member or a contractor in the
17 applicable department would provide them access to
18 the tool or the equipment.

19 Q. Okay. So the CoreCivic facility would
20 provide them with the equipment to do that work?

21 A. A staff member or contractor of the
22 facility would -- would provide them with access to
23 the tool.

24 Q. What about cleaning now? Buckets, rags,
25 brushes, brooms? Who would provide that to the

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1 voluntary -- the ICE detainee doing the voluntary
2 work?

3 MR. STRUCK: Form.

4 A. I think in most cases it would be the
5 same; it would be a staff member or a -- a
6 contractor. It -- it's possible that another
7 detainee, at the end of their shift, his or her
8 shift, could provide that directly to another
9 detainee after -- after they've been trained.

10 So I -- I'm not saying that the staff
11 member, each and every time, would disseminate that
12 tool.

13 Q. Okay. Who owns the tool?

14 MR. STRUCK: Form.

15 A. It's -- it's hard to say. Sometimes
16 CoreCivic owns all the property, and some of our
17 facilities, the customer or the partner owns that
18 property. The state, the federal government,
19 county government, they could own the property. So
20 it all depends.

21 Q. So for example, if I had cleaning
22 supplies, right, that's not something the ICE
23 detainee would have with them, correct?

24 MR. STRUCK: Form.

25 A. Please be more specific.

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1 Q. Sure. Let's say I'm an ICE detainee and
2 I'm doing work in the common areas, right, and I am
3 doing cleaning; toilets, etc., right? So I need
4 all the various supplies. You know, the soap,
5 sponges, whatever is needed to clean. I don't
6 personally bring that, correct? I don't own it and
7 bring it?

8 A. You don't own it and bring it, no.

9 Q. That's provided --

10 A. You don't own it. I can't say -- you
11 can -- you can bring it or relocate it, but you
12 don't own it.

13 Q. Right. And it's provided to me by the
14 facility, correct?

15 A. That's correct.

16 Q. In other words, I don't have to buy it to
17 use it?

18 A. That's correct.

19 Q. Okay. Same thing for the food service?
20 Like if I'm working in food service, I don't have
21 to buy the food, correct?

22 MR. STRUCK: Form.

23 A. You don't have to purchase or buy the food
24 that's provided to you as a meal.

25 Q. Right. And if I'm performing work in the

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1 food services, either making the meal, using tools
2 to make the meal, using, you know, ingredients to
3 make the meal, I don't have to bring any of those,
4 correct?

5 MR. STRUCK: Form.

6 A. I'm sorry. You don't have to bring any of
7 the food or the tools or equipment?

8 Q. To make the food.

9 A. Bring from where, from --

10 Q. From anywhere.

11 A. Well, you could -- you could be located in
12 the kitchen, and you could be assigned a tool, and
13 you may have to go to a different portion of -- so
14 technically, you could -- you could bring that or
15 relocate that equipment or that tool from inside
16 one department or one area.

17 Q. I'm thinking more globally. I'm not
18 talking about transit within the facility. I'm
19 just saying, in order to do my job in the food
20 services area, right, I might need certain tools:
21 Knives, forks, bowls, right? Ovens?

22 A. You might need certain tools or equipment,
23 correct.

24 Q. I, as the detainee, am not bringing those
25 tools, correct?

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1 A. You're not bringing them from -- to my
2 knowledge you're not bringing them from your
3 unit --

4 Q. Right?

5 A. -- unless you've been assigned that
6 equipment.

7 And -- and I will tell you, as an
8 example -- I'm not trying to be difficult.

9 As an example, some kitchen workers, or
10 some workers that work in the voluntary work
11 program, are provided with rubber boots,
12 slip-resistant boots. So they can be assigned
13 those boots, and they can be assigned some other
14 type of clothing or equipment that's special to
15 their job assignment, and technically, we assign
16 those to them; and as long as they're -- they
17 participate in that -- that work program, or that
18 work detail, they're responsible for keeping up
19 with that.

20 So that's -- that's the example. That's
21 why I asked that question.

22 Q. That's fine, and -- and that's a great
23 example.

24 And those boots are provided to the
25 workers by the CoreCivic facility, correct?

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1 A. That's correct.

2 Q. Okay. And I'm not expected to buy those
3 boots, correct?

4 A. That's correct.

5 Q. Okay. And in the food service, you know,
6 if I'm using an oven or a -- you know, a grill, or
7 using food, all of those tools are supplied by
8 CoreCivic, correct?

9 A. That's correct.

10 Q. Okay. Same thing with maintenance: Maybe
11 I need to use a ladder or a screwdriver or a
12 hammer. All of those tools are supplied by the
13 CoreCivic facility, correct?

14 MR. STRUCK: Form.

15 A. And you give some examples, such as a
16 ladder and other equipment similar to that, they
17 would be provided; the detainees don't have to
18 purchase those to facilitate their work duties.

19 Q. Okay. Fair enough.

20 Now, we talked little bit about how much
21 ICE detainees are paid, and -- and you made
22 reference to the performance standards, right?
23 Those are the ICE standards?

24 A. Correct.

25 Q. Okay. Do the ICE standards limit how much

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1 CoreCivic could pay the ICE detainee in the
2 voluntary work program?

3 A. To my knowledge, no. There's no
4 limitation of what can be paid.

5 MR. STRUCK: Late objection to form.

6 A. Paid per hour, or paid in total?

7 Q. Either.

8 A. No. To my knowledge, there's no -- no
9 requirement.

10 Q. Does CoreCivic decide what job assignment
11 an ICE detainee will work?

12 MR. STRUCK: Form.

13 A. CoreCivic decides what job opportunities
14 are available for those that want to participate in
15 the voluntary work assignment, with ICE's approval.

16 Q. So let's say -- let's say a facility
17 wants -- has available folks to work in maintenance
18 and food services, right? And let's say they
19 had -- that facility had a few ICE detainees who
20 wanted to participate. Is it the facility,
21 CoreCivic facility, that determines which of those
22 detainees would do which of the work?

23 MR. STRUCK: Form.

24 A. The detainees apply for certain job
25 details. So it -- it begins with them, their

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1 willingness to work a particular job. So that --
2 that's where it initiates. And then CoreCivic,
3 after they volunteer, would make determinations if
4 they're able to perform those specific job details.

5 Q. Okay. And if an ICE detainee said, "I'm
6 willing to work either in the food service or
7 maintenance," would it be CoreCivic to determine
8 which one that -- the detainee would actually do
9 the work at?

10 MR. STRUCK: Form.

11 A. It would be in conjunction with -- with
12 the detainee and medical and -- and other people to
13 ensure that they're capable of -- of working in
14 those particular areas.

15 Q. You mentioned medical. Would medical be
16 involved in order to determine whether or not the
17 ICE detainee could actually do the work?

18 A. Medical would be involved for food service
19 details.

20 Q. Okay.

21 A. And maybe some other details, but I know
22 of food service.

23 Q. Okay. If any job within the voluntary
24 work program required safety equipment -- you know,
25 goggles, gloves -- who would supply that?

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1 A. CoreCivic would ensure that -- that those
2 safety equipment -- the safety equipment was
3 provided to the detainee.

4 Q. Okay. Does CoreCivic have the ability to
5 remove an ICE detainee from a job assignment?

6 MR. STRUCK: Form.

7 A. CoreCivic has the ability to remove a
8 detainee from a voluntary work assignment if they
9 don't meet the agreements that -- the agreement
10 between them and us and the detainee.

11 A couple of examples: If they don't come
12 to work on time, and they are not performing their
13 work satisfactory. So those -- those are a couple
14 of -- of reasons that -- that CoreCivic could
15 remove a detainee from a work assignment.

16 Q. Are ICE -- sorry, I keep taking them on or
17 off, but -- I can see far and not near.

18 A. That's okay.

19 Q. Are ICE detainees in the voluntary work
20 program -- strike that.

21 Does CoreCivic ever provide evaluations to
22 the ICE detainees who are in the voluntary work
23 program?

24 MR. STRUCK: Form.

25 A. I don't know if they provide formal

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1 evaluations. Each detainee is informally evaluated
2 on the -- the work that they perform each -- each
3 hour, each day, to ensure that they're -- they're
4 meeting the needs, their -- their practices are
5 safety -- their practices are safe, and -- and
6 they're complying with the agreement.

7 Q. If -- if an ICE detainee is in the
8 voluntary work program and is not performing up to
9 snuff for whatever work they're doing, how would
10 they know that they're not meeting those
11 obligations?

12 A. They should be told that they're not
13 meeting those obligations. And in my opinion,
14 there should be an opportunity, as long as the
15 detainee is willing, to make the -- the necessary
16 corrections to perform the work appropriately, so
17 that -- that detail manager or that staff member
18 working with -- with the detainee should let them
19 know.

20 Q. Okay. Is there a process to have that
21 sort of interaction happen?

22 A. I don't know if there -- there's a
23 process. It's a part of the agreement that they
24 will comply with the work requirements, so I think,
25 day in and day out, I think that they -- the staff

1 A. Please repeat the question.

2 Q. Sure. To your knowledge, does any
3 facility, any CoreCivic facility that has ICE
4 detainees, do any of them have use of -- of
5 volunteers outside the voluntary work program?

6 MR. STRUCK: Form.

7 A. To my knowledge, no. And people -- and
8 just to be specific, I mean, we can't keep a
9 detainee -- if the detainee wants to go and clean
10 something, or wants to do something on their own, I
11 mean, I -- I can't say that we're going to stop
12 people or stop detainees from doing that.

13 So it's certainly possible, without our
14 approval or our initiation, that there are
15 people -- there are detainees that take it upon
16 themselves that operate outside the voluntary work
17 program.

18 Q. Okay. How about people from the public
19 who are not detainees, and they wish to volunteer
20 at the facilities. Have you ever heard of such a
21 thing?

22 A. We -- we do have volunteers, people from
23 the outside that are not staff, that are allowed,
24 if they meet the expectations or the requirements,
25 they're allowed to volunteer and work inside the

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1 facilities.

2 Q. And -- and what sort of work would they
3 do?

4 A. They can -- religious work, Narcotics
5 Anonymous, Alcoholics Anonymous, just -- substance
6 abuse programs and -- and other type programs,
7 maybe GED testing in -- in some -- in some areas.
8 But mainly religious, in my opinion; religious
9 support.

10 Q. And to your knowledge, are any of those
11 volunteers paid anything by CoreCivic?

12 A. To my knowledge, and I -- I don't know if
13 they're paid, but to my knowledge, they are not
14 paid. That's my understanding, that -- or they
15 wouldn't be volunteers.

16 Q. Does CoreCivic have the ability to
17 terminate an ICE detainee from the voluntary work
18 program?

19 MR. STRUCK: Form.

20 A. Yeah, we -- we discussed earlier that I'm
21 aware of a couple of circumstances when -- when
22 a -- a detainee can -- can no longer be allowed to
23 work. If he's not performing the job
24 satisfactorily, or if the detainee is unwilling to
25 show up, meet the schedule, do what's being done.

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1 You know, if they're late to work every
2 day, you know, then -- then we would need to
3 potentially take action to remove that person, if
4 they're not -- if they're not providing that work
5 in accordance with what we need.

6 Q. And is there a process to do that? In
7 other words, how is that effectuated?

8 A. Yeah, I don't know -- I don't know that
9 there's a formal process, and there may be; but
10 the -- I would believe that the supervisor would
11 tell the detainee, after multiple or several or --
12 or once, if it's very impactful, one situation
13 where the detainee was not complying with orders
14 and not -- not meeting the -- the work agreement,
15 voluntary work agreement, that they would let them
16 know that they're -- they're not going to be
17 utilized to work anymore, and they would be taken
18 out of that opportunity, and -- and they wouldn't
19 work anymore after that, if something changed.

20 Q. I'm sorry. Would there be a note in any
21 of the detainee's records about being terminated?

22 A. I believe, if there is a -- a note, and I
23 know -- a record of the work detail is provided
24 and -- and placed in their -- their folder, so it's
25 my understanding that their willingness to work, if

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1 I think ICE possesses that.

2 Q. You said "criminal record." Now, you said
3 most of the ICE detainees are not -- they're not
4 under criminal charge; they're -- they have a
5 status with regard to immigration, correct?

6 A. Yeah. I said -- going back to what I
7 said, I said "if applicable."

8 Q. I see.

9 A. If they have an applicable -- if
10 applicable, they have a criminal record.

11 Q. Okay. And then there's a separate
12 detainee file that CoreCivic maintains?

13 A. That's correct.

14 Q. And typically what's in that?

15 A. It -- that file would -- it would -- it
16 would have what they've been provided. It would
17 have any disciplinary history that they would --
18 would have. Work -- voluntary work program
19 information, the amount of money that they made,
20 some of the receipts, maybe, if they do -- if they
21 do exist, if there's receipts of their work.

22 Just everything that's determined
23 important while that detainee is there has to be
24 placed in their file.

25 Q. For some work performed by detainees in

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1 the voluntary work program, I take it there are
2 shifts?

3 A. Correct.

4 Q. Not all work, but just some of the work?

5 A. Correct.

6 Q. What's typically the type of work that
7 would be in shifts?

8 A. One example of a work that would be in
9 shifts would be food service.

10 Q. And who determines the shift?

11 A. Either CoreCivic staff or the contract, or
12 contractor's staff, would determine that.

13 Q. And who determines which shift the ICE
14 detainee will work?

15 MR. STRUCK: Form.

16 A. I'm -- I'm not sure, because it could --
17 it could vary from facility to facility. But it
18 would either be a staff member, a CoreCivic staff
19 member, or a contractor.

20 Q. Would there ever be a contractor working
21 with ICE detainees in the voluntary work program
22 that would not also have a CoreCivic supervisor
23 present?

24 A. I'm sorry, repeat that, please?

25 Q. Yeah, it was convoluted.

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1 Who would decide how those slots would be
2 filled and who would fill them?

3 A. It's my understanding the -- the
4 supervisory staff, between the contractor and
5 CoreCivic staff, would make that determination,
6 based on what the detainees are volunteering for
7 and what their certain abilities are.

8 Q. And -- and if they said they were
9 interested in either, would it ultimately come down
10 to CoreCivic staff and any contractor, if they were
11 involved?

12 A. Yes.

13 MR. STRUCK: Form and foundation.

14 Q. You mentioned earlier on, when we were
15 talking about your own experience about shifts,
16 right, and -- well, let me ask you this: When --
17 if there is an ICE detainee who is doing work in
18 the voluntary work program and has an eight-hour
19 shift, okay -- because you said it wouldn't be more
20 than eight hours, correct?

21 A. Wouldn't be more than eight hours a day,
22 correct.

23 Q. Right. And there are some ICE detainees
24 in the voluntary work program who work an
25 eight-hour shift, correct?

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1 A. Who work an eight-hour shift?

2 Q. Yes.

3 A. Correct.

4 Q. Okay. Are there any breaks given to the
5 voluntary workers, if they have an eight-hour
6 shift, during that eight hours?

7 MR. STRUCK: Form.

8 A. I'm not sure if there are -- there are
9 breaks or not. Whatever the requirements and --
10 and whatever the -- not only the agreement, but
11 whatever -- I mean, it could be a -- it could be a
12 state law issue. I -- I'm not sure if it would be
13 the same across the board, but I'm sure there would
14 be breaks, some breaks at least. I don't know the
15 length of those breaks or -- or the duration.

16 Q. Okay.

17 MR. STRUCK: Belated objection.
18 Foundation.

19 Q. Let me ask you this: How many -- to your
20 knowledge, how many California facilities does
21 CoreCivic have that has ICE detainees in them?

22 A. I'm aware of one facility currently that
23 CoreCivic has in the state of California that
24 houses ICE detainees.

25 Q. And that is the Otay Mesa?

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1 A. That's correct.

2 Q. Okay. Do you know whether or not any ICE
3 detainees on the voluntary work program at Otay
4 Mesa, whether any of them work an eight-hour shift?

5 MR. STRUCK: Form and foundation.

6 A. I don't.

7 Q. And I take it, then, you also don't know
8 whether or not they get any breaks in an eight-hour
9 shift, if they work one?

10 MR. STRUCK: Form. Foundation.

11 A. I don't.

12 Q. Are there any incentives to work in one
13 job assignment as opposed to another? For example,
14 kitchen versus being a laundry or --

15 MR. STRUCK: Form.

16 A. We talked earlier about the pay
17 differential, so I'm aware of -- of that increase
18 in pay. I don't know if it's an incentive, per se,
19 because the detainee determines whether or not they
20 want to work, and preferably -- they volunteer to
21 work in a certain area.

22 Q. Have you ever heard of any CoreCivic
23 facility trying to incentivize detainee workers in
24 the voluntary work program to focus in on a
25 particular area? For example, let's say they

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1 A. Paid workers could be responsible for
2 cleaning outside of their cells in the common
3 areas. Staff could clean. I've seen both do -- do
4 that.

5 Q. What are the types of discipline that
6 might arise in the course of working in the
7 voluntary working -- work program? Excuse me.

8 MR. STRUCK: Form.

9 A. What type of discipline?

10 Q. Yeah.

11 A. Any of the -- any of the -- the types of
12 discipline is possible in any particular area.

13 Q. Does that include going into restrictive
14 housing?

15 A. Certain offenses can lead to being placed
16 into restrictive housing.

17 Q. Is not timely reporting for a shift an
18 infraction or otherwise something that could be
19 subject to discipline for a detainee in the
20 voluntary work program?

21 A. Is it subject to discipline?

22 Q. Yes.

23 A. It is subject to discipline.

24 MR. STRUCK: Form. Foundation.

25 Q. How about not reporting for a shift at

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I declare under penalty of perjury
under the laws that the foregoing is
true and correct.

Executed on _____, 20____,
at _____, _____.

DATE

WITNESS

Sworn to and Subscribed before me,

this _____ day of _____, 2018.

Notary Public

My commission expires:

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COURT REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

I, PATRICIA A. NILSEN, Licensed
Reporter for the State of Tennessee, CERTIFY:

1. The foregoing deposition was
taken before me at the time and place stated in the
foregoing styled cause with the appearances as
noted;

2. Being a Court Reporter, I then
reported the deposition in Stenotype to the best of
my skill and ability, and the foregoing pages
contain a full, true and correct transcript of my
said Stenotype notes then and there taken;

3. I am not in the employ of and am
not related to any of the parties or their counsel,
and I have no interest in the matter involved.

WITNESS MY SIGNATURE, this,
the 15th day of March, 2019.

PATRICIA A. NILSEN, RMR, CRR, CRC
TN Licensed Court Reporter
LCR Number: 717
Expiration: 6/30/2020

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Tennessee Rules of Civil Procedure
Depositions Upon Oral Examination
Rule 30

Rule 30.05: Submission to Witness; Changes;
Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition

may then be used as fully as though signed unless on a motion to suppress under Rule 32.04(4) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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